



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Feng-Nien Ko et al.                      Art Unit : 1654  
Serial No. : 09/522,434                              Examiner : Susan D. Coe  
Filed : March 9, 2000  
Title : ANTI-ULCER PHARMACEUTICAL COMPOSITION AND THE  
PREPARATION THEREOF

**MAIL STOP RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT/REPLY UNDER 37 CFR § 1.114(D)**

Applicants hereby file a second request for continued examination under 37 CFR § 1.114(d) in response to the final office action dated October 31, 2003. Please amend the application as follows:

|                           |                    |
|---------------------------|--------------------|
| PREPAID<br>ACCOUNTABILITY |                    |
| DEPOSIT ACCOUNT NO.       |                    |
| 06/1850                   |                    |
| FEE<br>CODE               | VALUE<br>FURNISHED |
| 2202108                   | (12)               |
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**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

February 2, 2004

Signature

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DEBORAH R. WEST

patent. Accordingly, the American ginseng extract recited in claim 1 inherently contains ether-soluble components and therefore differs from that in the '816 patent.

The extract also inherently contains compounds having molecular weights of between 1,000 and 10,000 dalton. See Yoshikawa et al. (Chem. Pharm. Bull. 46(4): 647-654, 1998), which was presented with Applicants' response filed on December 11, 2002.

Upon entry of the amendments, claims 1, 3-5, 7-9, and 11-37 are pending. Claims 1, 3, 11, and 23-37 are under examination. In view of the above amendments and remarks, as well as the remarks provided in the last response, Applicants submit that amended claim 1 is not anticipated by the '816 patent, JP '507, or JP '732. Claims 11 and 23-37 all depend from amended claim 1 directly or indirectly. They are therefore also not anticipated by the cited art.

#### CONCLUSION

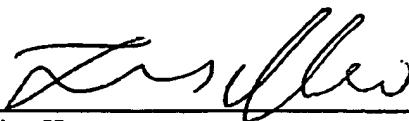
Applicants submit that the grounds for the rejection asserted by the Examiner have been overcome, and that claims, as pending, define subject matter that is novel. On this basis, it is submitted that allowance of this application is proper, and early favorable action is solicited.

Applicants ask that all claims be allowed. This response is being filed concurrently with a Request for Continued Examination with the required fee of \$385.00. Please apply any other charges to Deposit Account No. 06-1050, referencing Attorney Docket No. 11544-003001.

Respectfully submitted,

Date: \_\_\_\_\_

2-2-02



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